

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DENISE NIRSHL,

Defendant.

CASE NO. CR01-372-TSZ

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on March 10, 2006. The United States was represented by Matthew Thomas. The defendant was represented by Suzanne Elliott. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been convicted of Bank Fraud on or about February 22, 2002. The Hon. Thomas S. Zilly of this court sentenced Defendant twenty (20) days of confinement, followed by two (2) years of supervised release.

The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

DEFENDANT'S ADMISSION

USPO Felix Calvillo alleged that Defendant violated the conditions of supervised release in four respects:

- (1) Being unsuccessfully discharged from Arch Recovery on November 30, 2005, in violation of special condition that she participate in a program for the treatment of narcotic addiction and drug dependency;
- (2) Using marijuana on or before September 29, 2005; October 5, 11, 27, 2005, November 2, 18, 2005; December 21, 2005 and January 5, 2006;
- (3) Failing to submit urine testing as directed on December 14, 2005; January 31, 2006; February 6, 14, 2006, in violation of the special condition of supervised release directing her to submit to testing to determine if she ha reverted to the use of drugs or alcohol;
- (4) Failing to make \$100.00 restitution payments for the months of October, November, December 2005 and January, February 2006, in violation of the general condition of supervision and special condition number 5.

At an initial hearing, I advised the defendant of these charges and of her constitutional rights. At today's hearing Defendant admitted to violations numbers 1 through 3, waived any hearing as to whether it occurred, and the Government has agreed to withdraw violation number four, consenting to having the matter set for a disposition hearing before the Hon. Thomas S. Zilly.

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PROPOSED FINDINGS

PAGE -2-

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of her supervised release as alleged and set the matter for a disposition hearing.

Defendant has been released in the custody of Probation to reside with her mother pending a final determination by the court.

DATED this 14th day of March, 2006.



MONICA J. BENTON
United States Magistrate Judge

cc:	Sentencing Judge	:	Hon. Thomas S. Zilly
	Assistant U.S. Attorney	:	Matthew Thomas
	Defense Attorney	:	Suzanne Elliott
	U. S. Probation Officer	:	Felix Calvillo